

EXHIBIT 3

**Firearms Technology Criminal Branch
Report of Technical Examination**



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To:

Special Agent Timothy Holden
Bureau of Alcohol, Tobacco, Firearms and Explosives
888 S. Figueroa Street, Suite 1750
Los Angeles, California 90017

Date: 11/18/2021

UI#: 784015-21-0042

RE: Simon, Ellourth aka
"Negro"
FTCB#: 2022-120-GSS
318298

Date Exhibits

Received: 11/17/2021

Delivered By: FedEx 7752 2232 2240

Type of Examination Requested:

Test, Examination, Classification

Exhibits:

1. Glock, model 17, 9mm Luger caliber firearm bearing serial number RSS507 and one magazine.
2. One conversion sear, unknown manufacturer, no serial number (suspected machinegun).

Pertinent Authority:

Title 28 of the United States Code (U.S.C.) provides the Bureau of Alcohol, Tobacco Firearms and Explosives (ATF) the authority to investigate criminal and regulatory violations of Federal firearms law at the direction of the Attorney General. Under the corresponding Federal regulation at 28 C.F.R. 0.130 the Attorney General provides ATF with the authority to investigate, administer, and enforce the laws related to firearms, in relevant part, under 18 U.S.C. Chapter 44 (Gun Control Act) and 26 U.S.C. Chapter 53 (National Firearms Act). Pursuant to the aforementioned statutory and regulatory authority, the ATF Firearms and Ammunition Technology Division (FATD) provides expert technical support on firearms and ammunition to federal, state and local law enforcement agencies regarding the Gun Control Act and the National Firearms Act.

The **Gun Control Act of 1968** (GCA), 18 U.S.C. § 921(a)(3), defines "**firearm**" to include the following:

"...any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive... [and] ...the frame or receiver of any such weapon...."

Additionally, the GCA, 18 U.S.C. § 921(a)(23), defines the term "**machinegun**":

"...has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b))."

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Pertinent Authority (cont.):

The National Firearms Act (NFA), 26 U.S.C. § 5845(a), defines “**firearm**” to include, “... (6) a machinegun...”.

Also, the NFA, 26 U.S.C. § 5845(b), defines “**machinegun**” as:

“...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.”

Further, the NFA, 26 U.S.C. § 5842, “**Identification of firearms**,” states:

“... (a) Identification of firearms other than destructive devices. - Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the ...[Attorney General] ... may by regulations prescribe. (b) Firearms without serial number. - Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the ... [Attorney General] ... and any other information the ...[latter] ... may by regulations prescribe.”

Findings:

Exhibit 1 is a 9mm Luger caliber firearm originally manufactured as a semiautomatic pistol by Glock, GmbH, in Austria and subsequently imported by Glock, Inc., Smyrna, Georgia.

During my examination, I observed the following external markings on Exhibit 1:

On the forward, underside area of the frame

- **RSS507** [serial number]

On the right side of the frame

- **GLOCK, INC., SMYRNA, GA**

On the left side of the frame

- 

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Findings (cont.):

On the left side of the slide

- 
- 17
- AUSTRIA
- 9x19

On the right side of the slide

- 
- RSS507

On the right side of the barrel

- RSS507

On top of the barrel

- 9X19
-  AT

As received, the Exhibit is equipped with a replacement slide cover plate which is identified as **Exhibit 2**. Exhibit 2 is a machinegun conversion device intended for use in converting a semiautomatic Glock pistol to fire automatically.

During my examination, I observed the following external markings applied to Exhibit 2:

- 
- Made in Austria

Exhibit 2, while marked as such, is not manufactured by Glock nor is it made in Austria. As received, Exhibit 2 bears no manufacturer's marks of identification or serial number as required by 26 U.S.C. § 5842.

The Exhibit 2 conversion device is composed of an aluminum housing, which is dimensionally configured as a drop-in replacement part for the polymer slide cover-plate of a Glock pistol. Exhibit 2 incorporates a selector switch and a metal "leg", which is designed and intended to convert a semiautomatic, Glock-type pistol into a machinegun (similar to U.S. Patent 5,705,763). The extended metal "leg" is designed to push the trigger bar down and out of engagement with the firing pin as the slide closes, releasing the partially retracted firing pin to travel forward and fire a cartridge. When the trigger is depressed, this device enables a Glock pistol to shoot automatically more than one shot, without manual reloading, with a single function of the trigger.

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Findings (cont.):

I test fired Exhibit 1, with Exhibit 2 installed, on November 18, 2021, at the ATF test range, Martinsburg, West Virginia, using commercially available, American Eagle brand, 9mm Luger caliber ammunition. I inserted one round of ammunition into the Exhibit's magazine, inserted the magazine into the Exhibit, retracted and released the slide to chamber the round, and pulled the trigger. Exhibit 1, with Exhibit 2 installed, successfully expelled a single projectile by the action of an explosive.

Next, I inserted two rounds of ammunition into the Exhibit and pulled the trigger. Exhibit 1, with Exhibit 2 installed, fired all three rounds automatically with a single function of the trigger. I repeated this three round test twice more with the same results

Conclusions:

Exhibit 1 is a weapon which will expel a projectile by the action of an explosive and contains the frame of such a weapon; therefore, Exhibit 1 is a "**firearm**" as defined in 18 U.S.C. § 921(a)(3)(A) and (B).

Exhibit 1, containing the Exhibit 2 machinegun-conversion device, is a weapon which shoots, automatically more than one shot, without manual reloading, by a single function of the trigger; therefore, Exhibit 1, containing the Exhibit 2 machinegun-conversion device, is a "**machinegun**" as defined in 26 U.S.C. § 5845(b).

Exhibit 1, containing the Exhibit 2 machinegun-conversion device, is also a "**machinegun**" as defined in 18 U.S.C. § 921(a)(23).

Exhibit 1, containing the Exhibit 2 machinegun-conversion device, being a machinegun, is also a "**firearm**" as defined in 26 U.S.C. § 5845(a)(6).

Exhibit 2, in and of itself, is a combination of parts designed and intended, for use in converting a weapon into a machinegun; therefore, Exhibit 2 is a "**machinegun**" as defined in 26 U.S.C. § 5845(b).

Being a machinegun, Exhibit 2 is also a "**firearm**" as defined in 26 U.S.C. § 5845(a)(6).

Exhibit 2 is also a "**machinegun**" as defined in 18 U.S.C. § 921(a)(23).

Exhibit 2 bears no manufacturer's marks of identification or serial number as required by 26 U.S.C. § 5842.

Examined By:

GREGORY
STIMMEL

Digitally signed by
GREGORY STIMMEL
Date: 2021.11.18
13:43:15 -05'00'

Gregory S. Stimmel, Chief
Firearms Technology Criminal Branch

Special Agent Timothy Holden

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Approved By:

MICHAEL
POWELL

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Date: 2021.11.18
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Michael C. Powell
Firearms Technology Specialist

Attachment: Five pages bearing photos
(copy) U.S. Patent 5,705,763.

This Firearms Technology Criminal Branch report is provided in response to your request for assistance. Please be aware that these documents may constitute “taxpayer return information” that is subject to the strict disclosure limitations provided in 26 U.S.C. § 6103. Exceptions to the non-disclosure provisions that permit the disclosure internally within ATF are set forth in 26 U.S.C. § 6103(h)(2)(C) and (o)(1). Any further disclosure of these reports is strictly limited and must be reviewed and approved by the Office of Chief Counsel prior to any information dissemination. Failure to adhere to the disclosure limitations provided in 26 U.S.C. 6103 could result in civil and/or criminal liability.

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Exhibits 1 & 2 as received



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USAO_000106

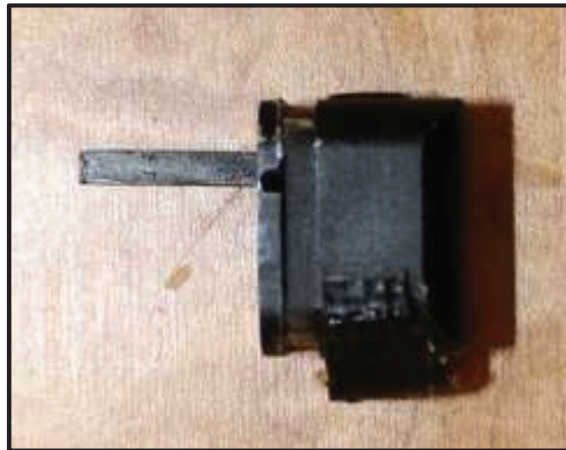
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Exhibit 2



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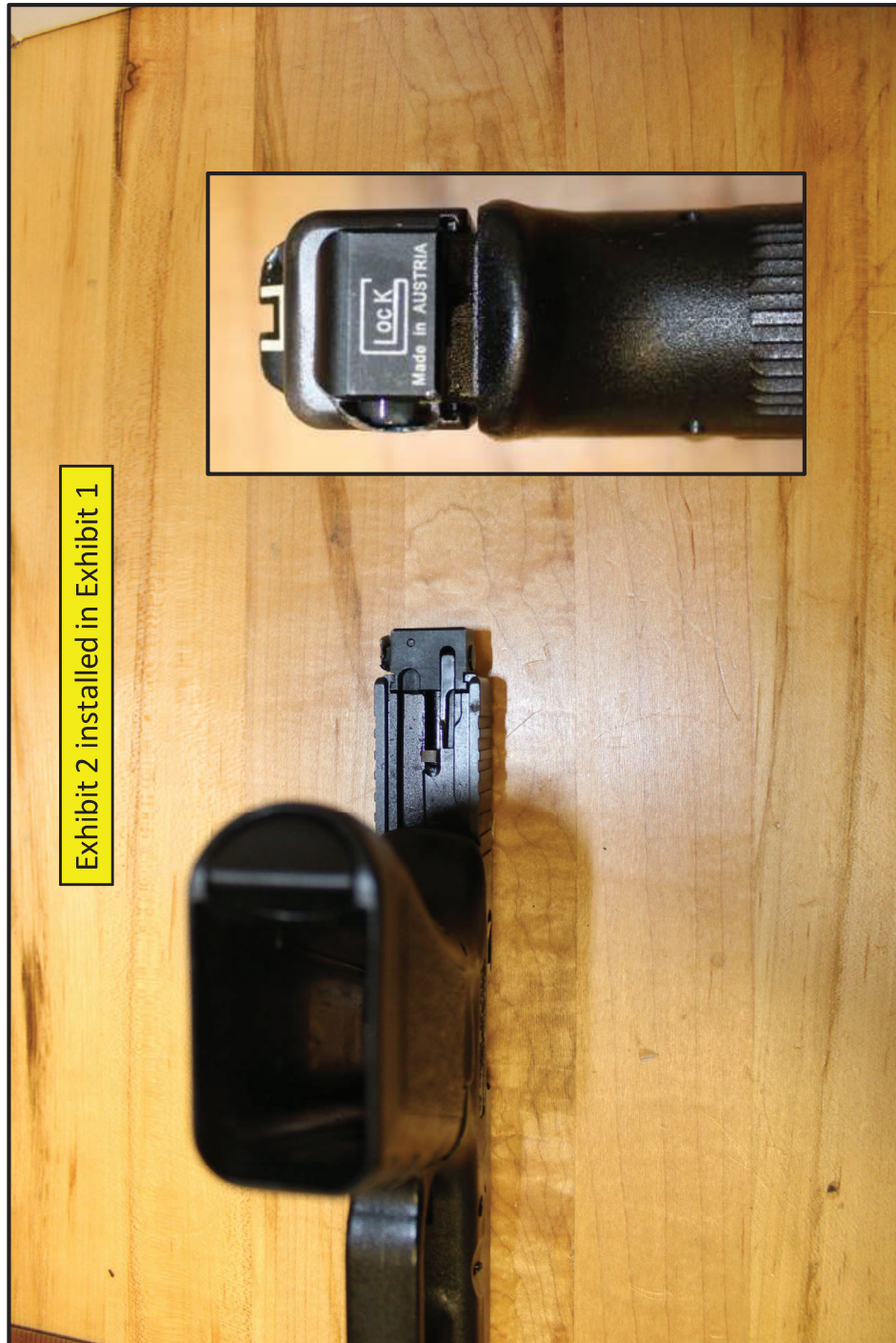


Exhibit 2 installed in Exhibit 1

US005705763A

United States Patent [19]
Leon

[11] **Patent Number:** **5,705,763**
[45] **Date of Patent:** **Jan. 6, 1998**

[54] **FIRE SELECTOR SYSTEM FOR SELECTING BETWEEN AUTOMATIC AND SEMI-AUTOMATIC OPERATION OF A GUN**

[76] **Inventor:** **Jorge A. Leon**, Av. Macuto, Res. Macaracuay, Apto. #4B, Macaracuay Caracas, Venezuela

[21] **Appl. No.:** **685,184**

[22] **Filed:** **Jul. 18, 1996**

[51] **Int. Cl.⁶** **F41A 19/33**

[52] **U.S. Cl.** **89/140; 89/128**

[58] **Field of Search** 89/140, 141, 142, 89/128

[56] **References Cited**

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5,355,768	10/1994	Felk	89/147

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1148550 12/1957 France 89/140

OTHER PUBLICATIONS

Wooldridge, J. "The Enforcer," Popular Mechanics, Sep., 1991 pp. 39-42.

Primary Examiner—Stephen M. Johnson

Attorney, Agent, or Firm—Heslin & Rothenberg, P.C.

[57] **ABSTRACT**

A fire selector system for selecting between automatic and semi-automatic operation of a gun is provided. The system is mountable on a reciprocating slide of the gun and into operative relationship with the trigger bar of the gun. A member of the selector system is movable between forward and rearward longitudinal positions. The forward longitudinal position allows the member to assume an activating longitudinal position for automatic operation of the gun. The rearward longitudinal position prevents the member from assuming its activating longitudinal position, thereby effecting semi-automatic operation of the gun. The member repetitively contacts a contact area of the trigger bar as it reciprocates with a reciprocating slide of the gun during automatic operation. Further, the device is easily installed and removed from the reciprocating slide depending on user requirements.

7 Claims, 6 Drawing Sheets

